

# City of Lowell

## Tax Title Assignment Sale Auction

Thursday, August 23, 2012  
10 A.M.



## Regulations for Sale

City of Lowell  
Tax Title Assignment Sale Auction  
Regulations for Sale

Prospective bidders should be aware that they will not be bidding to purchase marketable title to land. Essentially, the successful bidder will acquire all of the City of Lowell's rights in the subject Real Estate, specifically the right to institute or prosecute proceedings in land court to foreclose the rights of the delinquent taxpayer. No representation or warranty is made with respect to title or suitability of the premises covered by said accounts.

Property owners and parties-in-interest may still redeem after an assignment, up and until a foreclosure judgment has entered. Owners may redeem by paying the City of Lowell Treasurer up and until a foreclosure complaint has been filed in Land Court: after that, all redemptions must be processed through the assignee (bid winner).

The redemption price is the same as if the municipality still held the lien, assignees may not allocate premiums paid at auction to the redemption amount.

Assignees assume the same rights and obligations of the City of Lowell in the administration of tax titles under Massachusetts General Laws Chapter 60.

Assignees may "sell back" any defective liens to the municipality.

1. Liens included in this sale are being sold pursuant to M.G.L. c. 60, §52
2. Any materials or documents concerning this auction prepared or furnished by the City or its employees are solely for informational purposes. No warranty or representation is made as to the accuracy or completeness of the information. Prospective purchasers should make their own investigations and draw their own conclusions.
3. The properties shall be conveyed subject to any environmental conditions, if any, including but not limited to hazardous waste conditions, which may or may not be in compliance with any applicable laws, policies or regulations.
4. The properties shall be conveyed subject to any person, if any, in actual occupancy. It will be the responsibility of the successful bidder and not the City to evict any former owner or any person upon the premises.
5. Any error, misstatement or omission in the description of the property shall not annul the sale, or be grounds for any abatement or compensation.
6. The Tax Title Custodian sets the minimum bid. The right is reserved to reject any and all bids. The minimum bid is the amount due for redemption on August 23, 2012. **The City of Lowell will not be reimbursing premiums paid by the winning bidder.** Any price paid in excess of the minimum bid may not be reimbursable by the assignee from the party redeeming the property.

7. The following person(s) shall not be qualified to be the successful bidder; (1) the prior owner of the property or his/her agent, representative, assign or straw; (2) any person or company currently delinquent in paying his/her own personal taxes or other charges to the City of Lowell; (3) any person or company who was the subject to a tax title by the City. (4) Any City of Lowell employee as well as any company or trust that any City of Lowell employee has interest in is prohibited from bidding.
  8. The purchaser must pay a **10% deposit** at the time of the auction. The deposit shall be made in the form of cash or check and made payable to the City of Lowell.
  9. The successful bidder will be required to execute a Disclosure Statement as required by M.G.L. C.7, §40J, A Memorandum of Sale, a Certificate of Compliance pursuant to M.G.L. C. 60, § 77B and an IRS W-9 (Taxpayer Identification Number).
  10. The requirements of M.G.L. C.44, §63A must be fully complied with regarding pro forma tax (sale price times the current tax rate).
  11. After full payment is received, the Treasurer will issue an Instrument of Assignment and Purchaser's Statement for each lien assigned. **Full payment must be received within 30 days of the date of the auction.** If full payment is not received within such time, or a failure to fully comply with all regulations, the lien will be offered to the next highest bidder, and the City of Lowell reserves the right to keep the deposit from the initial bidder.
  12. Purchaser must keep future taxes current until he/she forecloses with the Massachusetts Land Court.
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**M.G.L. c. 60, §52**

Cities and towns may make regulations for the possession, management and sale of land purchased or taken for taxes, not inconsistent with law, regulations promulgated by the department of revenue or the right of redemption. The treasurer of any city or town holding 1 or more tax titles may assign and transfer such tax title or titles, individually or bundled, to the highest bidder after a public auction, after having given 14 days' notice of the time and place of such public auction by publication, which shall conform to the requirements of section 40, and having posted such notice in 2 or more convenient and public places in said city or town, provided that the sum so paid for such assignment is not less than the amount necessary for redemption, and may execute and deliver on behalf of the city or town any instrument necessary therefor. The treasurer shall send notice of the intended assignment to the owner of record of each parcel at his last known address not less than 10 days prior to the assignment, but failure to receive such notice shall not affect the validity of the assignment. The instrument of assignment shall be in a form approved by the commissioner and shall be recorded within 60 days from its date and if so recorded shall be prima facie evidence of all facts essential to its validity. The instrument of assignment shall, for each parcel assigned thereunder, state the amount for which the tax title on the parcel could have been redeemed on the date of the assignment, separately stating for each parcel the principal amount and the total interest accrued until the date of assignment. The principal amount shall be the sum of the amounts for which the parcel was taken and amounts subsequently certified under section 61. Except as hereinafter otherwise provided, all provisions of law applicable in cases where the original purchaser at a tax sale is another than the city or town shall thereafter apply in the case of such an assignment, as if the assignee had been a purchaser for the original sum at the original sale or at a sale made at the time of the taking and had paid to the city or town the subsequent taxes and charges included in the sum paid for the assignment. Any extension of the time within which foreclosure proceedings may not be instituted granted by a city or town treasurer prior to assignment shall be binding upon the assignee.

